

Oregon CZARA Program Disapproval Decision Sequencing

Basic Steps

01.08.2015

Wwstelle

1. EPA/NOAA disapprove program at end of January, 2015 thru publication of FR Notice with basic “clean” description of basis for decision as per regulatory requirements, noting forestry, landslides, pesticides, legacy roads etc. as significant sources of non-point loadings.
2. EPA/NOAA send a follow up letter to Oregon in February describing a matrix of topics and commitments we believe would rectify program deficiencies, together with specific interim milestones and schedules. The outer schedule for addressing issues would be the end of fiscal year 2016. **Note: Please clarify whether this is December 2016, or June 2016?**
3. Oregon sends EPA/NOAA letter towards end of February describing its commitments to topics and schedules through Board of Forestry rulemaking and other steps.
4. (b)(5) Deliberative [REDACTED]
5. EPA/NOAA track progress on implementing measures and provide technical assistance over course of implementing period.
6. (b)(5) Deliberative [REDACTED]

Commented [HL1]: Important correction.

(b)(5)
Deliberative

(b)(5) Deliberative

Variants and Other Details

1. Adjust “effective date of disapproval decision” as opposed to adjusting “effective date of implementing penalties”.
2. Filling in details on the remedial measures, milestones and schedules per continued discussions with Oregon and other parties.
3. (b)(5) Deliberative [REDACTED]

COMMENTS FROM MANAGEMENT TEAM (Christine, Lynda, and Joelle)

1. Both NOAA and EPA are aligned disapproving the program at the end of January.


(b)(5) Deliberative



POTENTIAL PATH FORWARD (Needs legal review)

- a. Distribute the FRN with a notice of NOAA and EPA disapproval

(b)(5) Deliberative



2. NOAA and EPA are aligned that milestones and schedules should be set with the state after the disapproval is sent in January. The end of February is good timing given the Governor's desire for progress in rulemaking and an Executive Order.

(b)(5) Deliberative



CHALLENGE: Again, the idea of the 2016 schedule is new to managers, staff, and attorneys this week. Unclear of a path forward.